

Your Customers

A. Sanctity of Property

Islam has put great emphasis on the sanctity of property (mal) and its ownership. No one has the right to take the property, money or labor of another person without his permission. Allah says,

“O you who believe! Do not devour your property among yourselves falsely, except that it be trading by your mutual consent.” (4:29)

“Mutual consent” is the crucial means for the exchange of any commodity or service between two persons.

A “Muslim”, in the ethical sense, is “one from whose hands and tongue other Muslims are protected”.¹ Protection from "hands" does not only mean protection from physical harm, it also includes protection from theft.

This sanctity of the property (mal) is not just for Muslims; it includes the non-Muslims also. There is a very well-known law in the shari'ah which says that the mal of the *al-kafir al-harbi* has no sanctity. (*Al-kafir al-harbi* means a non-Muslim who is at war against Islam and Muslims, and thus is not covered by any agreement with a Muslim government.)

Some Muslims who have migrated to the West use this law concerning *al-kafir al-harbi* as an excuse to steal, whenever the opportunity avails itself, the property of the non-Muslims. I have always strongly discouraged this behavior based on two reasons:

Firstly, on a social level, living as minority, a Muslim's actions reflect on the community at large; therefore, one should not do so.

Secondly, on a personal level, greed is a dangerous moral disease that pushes one to commit such acts. By committing such acts, one starts to lose the sense of respecting the property of other people: today it is the non-Muslim; tomorrow it will be the non-practicing Muslim!

More importantly, not all non-Muslims are *al-kafir alharbi*. Besides *al-kafir al-harbi*, there are three

other categories of non-Muslims:

Al-kafir adh-dhimmi: a religious minority citizen of a Muslim government.

Al-kafir al-mu'ahid: a non-Muslim whose government has a treaty with a Muslim government.

Al-kafir al-mutahayid or al-kafir al-musta'min: a neutral non-Muslim who is neither fighting against Muslim nor covered by a treaty.

Non-Muslims in the West are either *al-kafir al-mu'ahid or al-kafir al-mutahayid, al-musta'min* – and the life and property of such non-Muslims are as sacrosanct as that of the Muslims.

Recently, questions on the sanctity of the mal of non-Muslims have been raised with the contemporary religious authorities in the Shi'a world. All, in their different ways, have said that the sanctity of mal of covers the non-Muslims amongst whom we live in the West.[2](#)

Look at the example of the Prophet Muhammad (s.a.w): he first established his credibility among the Quraysh with his truthfulness and trustworthiness. Before he left Mecca to migrate to Medina, the Prophet instructed 'Ali bin Abi Talib to return the mal entrusted by others to him back to their owners. Imam 'Ali himself was highly regarded by the Prophet because of many good qualities. The most important among those, as pointed out by Imam as-Sadiq, were truthfulness and trustworthiness.[3](#)

Imam Ja'far as-Sadiq says: "Do not be deceived by frequency of their prayers or their fasting because many a time a person becomes [habitually] attached to prayer and fasting so much that he would feel uneasy if he neglects it. Test them instead with truthfulness and trustworthiness". [4](#)

After all, a "mu'min", in the ethical sense, is defined as "one whom the believers can entrust with their lives and property."[5](#)

Al-Husayn ash-Shabbani said to Imam Ja'far as-Sadiq (a.s) that "a person from your followers thinks that the property and lives of Banu Umayyah"[6](#) have no sanctity, and now something from them has come to him as a trust". The Imam said, "Return the trust to its owner even if they be Magi..."[7](#) There are similar hadith about the property of the Khawarij.[8](#)

Nothing portrays the importance of trustworthiness more than the emotionally charged statement of Imam Zaynul 'Abidin to his Shi'ahs: "I warn you about the returning of the things entrusted to you. I swear by Him who sent Muhammad as the Messenger—if the killer of my father, Husayn bin Ali, entrusted me with the sword with which he killed him, I would still return it back to him!"[9](#)

The rules concerning the daily prayers also remind Muslims to respect the property of others: the water and the place of ablution, and the dress and the place of worship must be mubah.[10](#)

Therefore, if you ever find yourself in a position where you are entrusted with the mal of other people,

then you have to be very careful in fulfilling your duty: a clerk; cashier; accountant; supplies manager, etc. Even in the use of your employers' equipment and supplies, you have to be very careful –if some amount of personal use is tolerated, then okay; but if there is a clearly stated policy against any personal usage of office supplies or equipment's, then you must refrain from using it for your personal use.

Question: A Muslim works in a non-Muslim country in a private office, in a government office, or on contract for a specific project where he or she is paid by the hour. Is it permissible for that Muslim to waste some hours, work negligently or intentionally delay the job? Does he or she deserve the full wages?

Answer: This is not permissible; and if one does that, he or she is not entitled to full wages. [11](#)

B. Truthfulness and Honesty

We have already seen the ahadith that emphasize on truthfulness alongside trustworthiness. In the context of business ethics, great emphasis has been put on truthfulness in speech and honesty in measuring.

“Give full measure and weight with justice.”(6: 152)

In the pre-Islamic days, God destroyed nations because they cheated in measure and scale.

To promote the attitude of honesty, the shari'a says that it is recommended for the sellers to measure out their merchandise slightly more than required in order to ensure that they have given what is due to their customers.

On the other hand, it is recommended for customers to take a little less than the announced price to ensure that they are not taking more than their right. The purpose of such recommendation is to make sure that the merchant does not transgress customers' right. This is the complete opposite of what the Prophet found among the people of Medina when he migrated to that city:

“Woe to the defrauders, who, when they take the measure (for themselves) from men, they take it fully. But when they measure out to others or weigh out for them, they are deficient”. (83: 1–3)

C. Concern for Society's Well-being

In his famous epistle on Islamic governance, Imam 'Ali (a.s) wrote the following about traders and industrialists:

...They are sources of profit and the means of the provision of useful articles. They bring them from distant and far-flung areas throughout the land and sea, plains and mountains, from where people cannot come and to where they do not dare to go...

Know, along with this, that most of them are very narrow-minded, awfully avaricious, hoarding goods. This is a source of harm to the people and a blot on the officers in charge.

Stop people from hoarding ...the sale should be smooth, with correct weights and prices, not harmful to either party –seller or the buyer... [12](#)

No trader or businessperson should allow greed to overcome his or her sense of well-being for the community. Once Imam Ja'far as-Sadiq (a.s) found himself in a financially straitened state. He gathered 1000 dinars and called his companion, Musadif, and asked him to use that money for trading. Musadif bought some merchandise and joined a trade caravan going to Egypt.

On the way, they met a caravan that was coming back from Egypt. Upon inquiring about its market, they found out that the merchandise that they were carrying was in common demand in Egypt, and so they made a pledge among themselves not to sell their merchandise for less than 100% profit.

Musadif returned to Medina with two bags of a thousand dinars each. He went to Imam as-Sadiq (a.s), presented the two bags, and happily declared, "This is the capital and this is the profit." Imam replied that this a big profit; "how did you do it?" Musadif described the pledge that he and the other traders had made before entering Egypt.

The Imam said, "Subhan'Allah! You pledged against a Muslim community that you would not sell to them except at the profit of hundred percent!" He took one of the two bags and said, "This is my capital and I don't need anything from this profit." Then he said, "O Musadif! Fighting with swords [in jihad] is easier than seeking the legitimate [sustenance]." [13](#)

The point of this narration is not the percentage of the profit whether it should be less or more than hundred percent. It is the concern for the society's well-being. A Muslim businessperson has to keep the overall good of the society in mind at all times.

Profit margins must be reasonable. If they reach the point detrimental to the public, then the government has the right to intervene as clearly outlined in the epistle of Imam 'Ali quoted earlier.

Question: Can a Muslim evade paying taxes in a nonMuslim country?

Answer: According to the contemporary jurists, Muslims have to abide by the laws of country that do not contradict Islam, and therefore it would not be permissible for them to evade paying taxes. Of course, they are allowed to use all legal means (like financial planning) to minimize the tax due on them.

D. Fraud and Customers' Rights

Other ways of fraud and cheating:

1. Giving a false statement about the value of an item.
2. Presenting an item in an unrealistic manner: presenting merchandise that is mixed with something else as pure; or presenting an imitation as the genuine article. This is known as "*ghish and tadlis* – fraud and deceit" in shari'a.

For example, in a crate of apples, if you place the good ones on the top and the bad ones inside –this is *ghish*. If you change the odometer in your used car to show lower mileage – this is *tadlis*. This makes a salesperson's job surely difficult!

Once the Prophet (s.a.w) passed by a grocer in Medina, when he noticed the shop's good quality grain. He praised the grain and asked its price. Archangel Jibra'il descended and asked the Prophet to put his hand into the sack. The Prophet did so, and what was inside was inferior in quality from what was on the top. The Prophet said to the shopkeeper, "You have indeed combined dishonesty with fraud..." [14](#)

One day Imam 'Ali (a.s) visited the dates market. He saw a woman crying and arguing with one of the date sellers. Upon his inquiring about the matter, she said. "O Amiru 'l-Mu'minin, I bought some dates from him for a dinar. When I checked the basket, I found the dates that were inside to be of lower quality compared to those on the top." Imam Ali asked the date seller to return the dinar back to her. The man refused. Imam Ali asked him two more times, but he still refused to comply. Finally, Imam Ali took out his whip and only then did the date seller return the dinar back to his customer. [15](#)

The Prophet said, "One who deceives [his customers] is not one of us." [16](#) Imam Ja'far as-Sadiq said, "Beware of *ghish*; for whoever deceives others will himself be deceived in his mal..." [17](#)

A Shi'a decided to start a business and so he went to Imam Ja'far as-Sadiq (a.s) for advice. The Imam said,

"I urge you:

- to be truthful in your words;
- not to conceal the defect in your merchandise;
- not to deceive a gullible person, because deceiving him is not allowed;
- not to be satisfied for people except with what you will be satisfied for yourself;
- to give the right and take the right...because the truthful trader will be with the respected angels on the day of judgment;

- to refrain from swearing because a false oath will lead the person to the fire..."[18](#)

* * * * *

In order to protect the customer from *ghish* and *tadlis*, the shari'a has introduced the principle of *al-khiyar* – the right of withdrawal. The *khiyar* is of seven types:

1. *Khiyaru 'l-Majlis*: the right of cancelling the deal before leaving the business premise; unless it is specified as "final" in the deal.
2. *Khiyaru 'l-Haywan*: (applies to sale of animals) the right of returning the animal within three days unless that right is waived in the deal.
3. *Khiyaru 'sh-Shart*: the right of cancelling or returning the merchandise based on the condition in the contract. For example, when the seller says that the item can be returned within one week or one month or, in case of a car, for example, until the odometer reaches 500 km.
4. *Khiyaru 'l-Ghabn (Fraud)*: the right of returning the merchandise if it was sold for a price that was exorbitant than its actual value. (The actual value is to be defined by 'urf, in this context, the market.)
5. *Khiyaru't-Ta 'khir*: if the customer makes a deal but delays the payment or makes a partial payment without any pre-condition for deferring – the merchant has to wait for three days and then he has the right to cancel the deal. Similarly, if the customer is required to make a non-refundable deposit and then is unable to make the full payment as per the agreement, then the merchant can cancel the deal.
6. *Khiyaru 'r-Ru 'ya*: if you buy an item just based on the description of the seller without seeing it or you were shown the item, but then you find it to be of a lower quality–in such a case, you have the right to cancel the deal after actually seeing or handling the item.
8. *Khiyaru 'l- 'Ayb*: if you find the merchandise to be defective, then you have two choices –either cancel the deal or retain it with compensation. Unless, of course, the deal is based on "as is" condition; then in that case you cannot return the item or ask for compensation.

If a deal has been finalized but the merchandise has not yet been delivered to or received by the customer and the merchandise is destroyed (by natural disaster such as flood or fire or by human action like theft or negligence), then the loss will be bore by the merchant and the customer will be eligible for repayment.

[1.](#) Nahju l'-Balagha, sermon 167; as-Saduq, Ma'aniyu l'-Akhbar (Qum: Islami, 1361 AH [solar]) p. 239; al-Muttaqi al-Hindi, Kanzu l.'Ummal, vol 1, p. 149.

[2.](#) Ayatullah Sayyid 'Ali as-Sistani, in answer to a question, said that the sanctity of non-Muslim's mal is based on the implicit agreement which one makes with the non-Muslim country to respect its laws when one signs the visa or immigration documents. (See 'Abdul Hadi al-Hakam, A Code of Practice for Muslims in the West, p. 36, 140.) Ayatullah Sayyid 'Ali Khamanei, the present Supreme Leader of the Islamic Republic of Iran, also concurs with this opinion. (See

Duraru '1-Fawaid fi Ajwibati '1-Qa'id,p. 88.)

[3.](#) Al Usul mina 'l-Kafi, vol. 2. p. 104.

[4.](#) Ibid.

[5.](#) As-Suduq, Ma'aniyu 'l-Akhbar,p.239

[6.](#) Banu Umayyah or the Umayyids were always opposed to Prophet Muhammad (s.a.w) and his Ahlu "l-bayt. The most famous Umayyid rulers were Mu'awiyah bin Abu Sufyan and his son Yazid.

[7.](#) Al- Furu'. vol. 5, p. 133. "Magi" is plural of "Magus" and refers to followers of Mazdaism (Zoroastrianism).

[8.](#) Tahdhibu 'l-Ahkam, vol.6, p. 350, Khawarij (pl. of Khariji) were a group that emerged after the Battle of Siffin. They were enemies of Imam Ali (a.s), Ibn Muljim, the assassin of Ali (a.s), was a Khariji.

[9.](#) As-Suduq,al-Amali (Tehran: al-Bi'tha, 1417) p.319

[10.](#) Mubah means owned by oneself or having the permission of the owner to use it.

[11.](#) See A Code of Practice for Muslims in the West, p. 152; Ahkamu 'l- Maghtaribin,p. 151-152

[12.](#) Nahju 'l Balagah, letter no.53

[13.](#) Al-Furu, vol.5, p. 161-162.

[14.](#) Al-Furu'i, vol.1, p.374

[15.](#) Al-Furu, vol. 1, p.394, p.419

[16.](#) Man la Yahduruhu 'l-Faqih, vol.2, p. 197

[17.](#) Al-Furu', vol. 1, p.374

[18.](#) Ibid.p.285

Source URL:

<https://www.al-islam.org/islamic-business-ethics-sayyid-muhammad-rizvi/your-customers#comment-0>